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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,825	08/15/2001	Maurizio Pili	30980088US	6518

7590 10/05/2004
HEWLETT-PACKARD COMPANY
INTELLECTUAL PROPERTY ADMINISTRATION
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EXAMINER

THOMPSON, TIMOTHY J

ART UNIT	PAPER NUMBER
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2873

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/786,825

Applicant(s)

PILU, MAURIZIO

Examiner

Timothy J Thompson

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AW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,8 and 10 is/are rejected.
- 7) ☒ Claim(s) 2-7 and 9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/16/2001</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Saund(U.S. Patent No. 5,835,241).

Regarding claims 1, 10, Saund discloses a support surface(fig 1, 8) for a document(fig 1, 10) to be imaged, light stripe projector(fig 1, 22) arranged project plurality of diverging sheets light that extend from projector towards support surface forming series of stripes across the document(fig 1, 5, 6), camera having a detector array capturing an image of the document and of light stripes projected onto the document(fig 1, 20), processor arranged receive from the detector array data representative of images the document and of the light stripes and calculate therefrom three-dimensional profile the document relative to a reference surface(col 5), wherein characterised in that the relative divergence of adjacent sheets of light varies laterally across the sheets so that the stripes are concentrated where the divergence is relatively low(since the device is shining the light stripes across the pages of an open book, which has a similar shape as that of book imaged by the applicants, the light strips will inherently concentrate where the divergence is relatively low since the light strips will behave the same way under similar conditions).

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Regarding claim 8, Saund discloses the light stripes are individually indistinguishable(col 5, lines 34-50 since multiple stripes are disclosed with no indication of any distinguishable traits or any disclosure of a way to modify individual light strips to make them distinguishable the light stripes are inherently the same), and the imaging system includes means for identifying individual stripes by labeling the series of stripes processor is adapted to identify individual stripes by determining their position within the series of stripes(col 5, line 58 through col 6, line 14, since the image data is used to represent a three dimensional page, the image processing system must inherently be able to determine the stripes position within the array of stripes).

Allowable Subject Matter

Claims 2-7, 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. With the allowable features being; the camera and light stripe projector are mounted together on a support that rises above an edge of the support surface; at least one of the sheets of light is non-planar with a variable divergence from an adjacent sheet.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Thompson whose telephone number is (571) 272-2342. If the examiner can not be reached his supervisor, Georgia Epps, can be reached on (571) 272-2328.

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T.J.T.

9/28/04


TIMOTHY THOMPSON
PRIMARY EXAMINER